

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, JANUARY 26, 2004**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:11 p.m. on Monday, January 26, 2004, with President Boyd presiding.

Councillor Borst led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President Boyd instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
1 ABSENT: Langsford

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Nytes recognized Wayne Moss, precinct committeeman and former Library Board member. Councillor Gray introduced James Black, new businessman in the City, and recognized Indianapolis Fire Department (IFD) Chief Louis Dezelan and Assistant Chief Mickey Radez. Councillor Borst introduced former City-County Councillor Carlton Curry. Councillor Oliver recognized neighborhood activists Paul Bates and Wilbur Woodard.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, January 26, 2004, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Rozelle Boyd
President, City-County Council

January 13, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, January 14, 2004 and in the *Indianapolis Star* on Thursday, January 15, 2004, a copy of a Notice of Public Hearing on Proposal Nos. 4-10, 2004, said hearing to be held on Monday, January 26, 2004, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

January 15, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following resolution:

SPECIAL RESOLUTION NO. 1, 2004 - recognizes the public service of Cooperative Extension Service Director, Maryann Dickason

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Moriarty Adams moved to suspend the Rules of the Council to vote this evening on Proposal No. 33, 2004, which is slated for introduction. Councillor Talley seconded the motion. Councillor Moriarty Adams said that each Councillor should have received an e-mail from Melinda Haag, director of the Marion County Justice Agency, regarding this proposal. This amount was budgeted and approved last year during the budget process, but the Council must also approve the grantees and amount of each award to these drug-free grantees. The funds come from fees that offenders pay, and acting on the proposal this evening will insure that grantees can continue their worthwhile programs without interruption.

President Boyd asked what the impact would be if the Rules are not suspended and this proposal is not acted on this evening. Ms. Haag said that many of the programs approved are a continuation, and some of them operate on a reimbursement system. Most of these grantees spend the funds first and then receive reimbursement from these grants. If there is a break in funding and reimbursement, some of the programs could face suspension. Not hearing the proposal this evening would not affect the new grantee programs, only those already in operation. President Boyd said that this would then have an impact on some of these programs' operational abilities. Ms. Haag said that this is correct. President Boyd asked if this is new money. Ms. Haag said that this money was previously collected and the total grant amount was approved during the budget, therefore it is not new money.

The motion to suspend the Rules of the Council to hear Proposal No. 33, 2004 this evening carried by a unanimous voice vote.

Without further objection, the agenda was adopted as amended.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of January 12, 2004. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

Councillor Nytes reported that the Administration and Finance Committee heard Proposal Nos. 14-17, 2004 on January 20, 2004. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 14, 2004. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of Michael B. O'Connor as the Chief Deputy Mayor. PROPOSAL NO. 15, 2004. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of Jane Henegar as the Deputy Mayor for Policy. PROPOSAL NO. 16, 2004. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of Carolyn M. Coleman as the Deputy Mayor for Neighborhoods. PROPOSAL NO. 17, 2004. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of Brenda L. Burke as the Director of the Department of Administration. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Nytes moved, seconded by Councillor Sanders, for adoption. Proposal Nos. 14-17, 2004 were adopted by a unanimous voice vote.

Proposal No. 14, 2004 was retitled COUNCIL RESOLUTION NO. 1, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 1, 2004

A COUNCIL RESOLUTION approving the Mayor's appointment of Michael B. O'Connor as the Chief Deputy Mayor for a term ending December 31, 2004.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Chief Deputy Mayor is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Michael B. O'Connor to serve as Chief Deputy Mayor at his pleasure for a term ending December 31, 2004; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Michael B. O'Connor is approved and confirmed by the City-County Council to serve as Chief Deputy Mayor for a term ending December 31, 2004.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 15, 2004 was retitled COUNCIL RESOLUTION NO. 2, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 2, 2004

A COUNCIL RESOLUTION approving the Mayor's appointment of Jane Henegar as the Deputy Mayor for Policy for a term ending December 31, 2004.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Deputy Mayor for Policy is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Jane Henegar to serve as Deputy Mayor for Policy at his pleasure for a term ending December 31, 2004; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Jane Henegar is approved and confirmed by the City-County Council to serve as Deputy Mayor for Policy for a term ending December 31, 2004.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 16, 2004 was retitled COUNCIL RESOLUTION NO. 3, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 3, 2004

A COUNCIL RESOLUTION approving the Mayor's appointment of Carolyn M. Coleman as the Deputy Mayor for Neighborhoods for a term ending December 31, 2004.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Deputy Mayor for Neighborhoods is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Carolyn M. Coleman to serve as Deputy Mayor for Neighborhoods at his pleasure for a term ending December 31, 2004; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Carolyn M. Coleman is approved and confirmed by the City-County Council to serve as Deputy Mayor for Neighborhoods for a term ending December 31, 2004.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 17, 2004 was retitled COUNCIL RESOLUTION NO. 4, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 4, 2004

A COUNCIL RESOLUTION approving the Mayor's appointment of Brenda L. Burke as the Director of the Department of Administration for a term ending December 31, 2004.

January 26, 2004

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Administration is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Brenda L. Burke to serve as Director of the Department of Administration at his pleasure for a term ending December 31, 2004; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Brenda L. Burke is approved and confirmed by the City-County Council to serve as the Director of the Department of Administration for a term ending December 31, 2004.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 18, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 18, 2004 on January 22, 2004. The proposal, sponsored by Councillors Boyd and Talley, approves the Mayor's appointment of Maury Plambeck as the Director of the Department of Metropolitan Development. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Talley moved, seconded by Councillor Sanders, for adoption. Proposal No. 18, 2004 was adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

1 ABSENT: *Langsford*

Proposal No. 18, 2004 was retitled COUNCIL RESOLUTION NO. 5, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 5, 2004

A COUNCIL RESOLUTION approving the Mayor's appointment of Maury Plambeck as the Director of the Department of Metropolitan Development for a term ending December 31, 2004.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Metropolitan Development is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Maury Plambeck to serve as Director of the Department of Metropolitan Development at his pleasure for a term ending December 31, 2004; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Maury Plambeck is approved and confirmed by the City-County Council to serve as the Director of the Department of Metropolitan Development for a term ending December 31, 2004.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 19, 2004. Councillor Gray reported that the Parks and Recreation Committee heard Proposal No. 19, 2004 on January 22, 2004. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of Joseph L.B. Wynns as the Director of the Department of Parks and Recreation. By a 6-0 vote, the Committee reported the proposal to the Council with the

recommendation that it do pass. Councillor Gray moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 19, 2004 was adopted on the following roll call vote; viz:

28 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

1 ABSENT: Langsford

Proposal No. 19, 2004 was retitled COUNCIL RESOLUTION NO. 6, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 6, 2004

A COUNCIL RESOLUTION approving the Mayor's appointment of Joseph L. B. Wynns as the Director of the Department of Parks and Recreation for a term ending December 31, 2004.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Parks and Recreation is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Joseph L. B. Wynns to serve as Director of the Department of Parks and Recreation at his pleasure for a term ending December 31, 2004; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Joseph L. B. Wynns is approved and confirmed by the City-County Council to serve as the Director of the Department of Parks and Recreation for a term ending December 31, 2004.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 20, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 20, 2004 on January 21, 2004. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of Robert B. Turner as the Director of the Department of Public Safety. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 20, 2004 was adopted on the following roll call vote; viz:

28 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

1 ABSENT: Langsford

Proposal No. 20, 2004 was retitled COUNCIL RESOLUTION NO. 7, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 7, 2004

A COUNCIL RESOLUTION approving the Mayor's appointment of Robert B. Turner as the Director of the Department of Public Safety for a term ending December 31, 2004.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Public Safety is subject to the approval of the City-County Council; and

January 26, 2004

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Robert B. Turner to serve as Director of the Department of Public Safety at his pleasure for a term ending December 31, 2004; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Robert B. Turner is approved and confirmed by the City-County Council to serve as the Director of the Department of Public Safety for a term ending December 31, 2004.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 21, 2004. Councillor Conley reported that the Public Works Committee heard Proposal No. 21, 2004 on January 22, 2004. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of James A. Garrard as the Director of the Department of Public Works. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor McWhirter asked that Mr. Garrard introduce himself to the full Council, as he is new to this director position and many members may not know who he is. Mr. Garrard said that this is his third week on the job, and he is experiencing a "trial by fire" with his first snow and ice challenge. He said that he looks forward to working with the Council and hopes he can live up to the standards set by former director Barbara Lawrence.

Councillor Conley moved, seconded by Councillor Talley, for adoption. Proposal No. 21, 2004 was adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*
0 NAYS:
1 ABSENT: *Langsford*

Proposal No. 21, 2004 was retitled COUNCIL RESOLUTION NO. 8, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 8, 2004

A COUNCIL RESOLUTION approving the Mayor's appointment of James A. Garrard as the Director of the Department of Public Works for a term ending December 31, 2004.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Public Works is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of James A. Garrard to serve as Director of the Department of Public Works at his pleasure for a term ending December 31, 2004; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. James A. Garrard is approved and confirmed by the City-County Council to serve as the Director of the Department of Public Works for a term ending December 31, 2004.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 30, 2004. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$210,000 in the 2004 budget of the Marion County Clerk (Clerk's Perpetuation Fund) to fund two trainers, filing supplies, services needed in the creation and implementation of a new State-wide judicial record keeping system and additional shelving for the Election Board Warehouse"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 31, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$21,439 in the 2004 Budget of Marion County Sheriff's Department (State and Federal Grants Fund) to reimburse two deputies for overtime that were assigned to the Indianapolis Violent Crimes Major Offenders Safe Street Task Force, funded by a grant from the Federal Bureau of Investigations"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 32, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,000 in the 2004 Budget of Marion County Sheriff's Department (State and Federal Grants Fund) to purchase a data projector and projection speakers"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 33, 2004. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling \$500,000 from the Drug Free Community Fund"; and the President referred it to the Committee of the Whole Council.

PROPOSAL NO. 34, 2004. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$3,400,000 in the 2004 Budget of the Department of Public Safety (Consolidated County Fund) to cover salaries and benefits of the civilians in the Arrestee Processing Center (APC), IPD Property Room, and identification area, financed by fund balance (The City -County Council reserved \$3.4 Million of the Consolidated County Fund for this appropriation.) "; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 35, 2004. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,122,200 in the 2004 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants and Federal Grants Funds) to fund training, equipment acquisition, and other operational needs of the Urban Search & Rescue Task Force, financed by federal grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 36, 2004. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$41,000 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to pay for playground equipment at Barton Park and a new shelter and individual playground components for Emhart Stadium, financed by a grant from Lowes Home Improvement"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 37, 2004. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$25,000 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to fund the Indianapolis Parks and Recreation Latino Outreach Initiative, which is designed to coordinate communication strategies for Indianapolis' growing Latino community, financed by the Clowes Fund, Inc."; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 38, 2004. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$125,000 in the 2004 Budget of the Department of Parks and Recreation (Federal Grants Fund) to continue the summer lunch program through 2004 for needy children in the Indianapolis area, financed by a federal grant"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 39, 2004. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,228,575 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to complete numerous capital improvement projects at Washington, Bethel, Rhodius, Christian, Municipal Gardens, Eagle Creek, and Garfield parks, as well as furniture and fixtures for the new buildings (This request is to re-appropriate the unobligated balance of a \$10 Million grant awarded in 2001 by the Lilly Endowment.)"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 41, 2004. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase and transfer of \$167,426 in the 2004 Budget of the Department of Parks and Recreation (Federal Grants and Park General Fund) to continue the after school programs for the children in the Forest Manor School near 38th & Sherman and School #108, for the 2003-2004 school year, financed by a federal grant and transfer of funds between characters"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 42, 2004. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$106,459 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to support the Children's Folk Dance Festival and to continue environmental education throughout the community by extending the Hub Naturalist Program, financed by local grants"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 43, 2004. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which authorizes an agent to accept pension liability on behalf of the City of Indianapolis and Marion County, Indiana"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 44, 2004. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Frank Anderson to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 45, 2004. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Martha A. Womacks to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 46, 2004. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Doris A. Sadler to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 47, 2004. Introduced by Councillors Talley, Boyd, and Abdualлах. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which authorizes the City of Indianapolis to issue one or more series of its "Economic Development Revenue Bonds, Series 2004 (Circle Block Project)" in an aggregate principal amount not to exceed \$30,250,000 and approves and authorizes other actions in respect thereto"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 48, 2004. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Aaron Haith to the Public Housing Board"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 49, 2004. Introduced by Councillor Gibson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Rozelle Boyd to the Capital Improvements Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 50, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which authorizes the Department of Public Works, Office of Environmental Services, to apply for grant assistance from the Indiana Department of Environmental Management (IDEM) to fund the upgrade of one of the household hazardous waste collection facilities, the addition of a waste oil bulking tank at another facility, and the addition of public service announcements"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 51, 2004. Introduced by Councillors McWhirter and Salisbury. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Ingomar Street and McCarty Street (Districts 6, 13)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 52, 2004. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Gambel Road and Rainbow View Drive (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 53, 2004. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Lynhurst Drive, Margate Road, and Rixon Avenue (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 54, 2004. Introduced by Councillor Abdualлах. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions for Davidson Street from Washington Street to Market Street (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 55, 2004. Introduced by Councillor Randolph. The Clerk read the proposal entitled: "A Proposal for a General Resolution which voting in favor of proposed consolidated ordinances of the Marion County Income Tax Council to provide a one hundred percent (100%) deduction applied to the assessed value of inventory in Marion County"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 67, 2004. Introduced by Councillors Langsford and Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the rules of the council to allow the designation of a "councillor's representative" for councillors absent on military duty"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 56, 2004 and PROPOSAL NOS. 57-66, 2004. Introduced by Councillor Talley. Proposal No. 56, 2004 and Proposal Nos. 57-66, 2004 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on January 5 and 21, 2004. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 8-18, 2004, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 8, 2004.

2003-ZON-143 (2003-DP-018)

6226 NORTH CARROLL ROAD (approximate address), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #5

DAVIS INVESTMENTS, LLP, by Mary E. Solada, and Thomas Michael Quinn requests a rezoning of 63.89 acres, being in the D-A District, to the D-P classification to provide for single-family residential development, resulting in a density of 2.79 units per acre.

REZONING ORDINANCE NO. 9, 2004.

2003-ZON-114

3820 EAST 82ND STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #3

JACOB ACQUISITIONS, LLC, by Stephen D. Mears, requests a rezoning of 3.34 acres, being in the C-S (FF) (FW) District, to the C-S (FF) (FW) classification to provide for 48 attached condominiums.

REZONING ORDINANCE NO. 10, 2004.

2003-ZON-130

6515 EAST BINFORD MEDICAL DRIVE (approximate addresses), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #4

BINFORD MEDICAL DEVELOPERS, LLC, by Brian J. Touhy, requests a rezoning of 16.87 acres, being in the C-S District, to the C-S classification to provide for a revised site plan, commitments and a pharmacy.

REZONING ORDINANCE NO. 11, 2004.

2003-ZON-132

2215 LAFAYETTE ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #16

ALFONSO RUEDAS requests a rezoning of 1.40 acres, being in the D-4 (W-5) and C-4 (W-5) Districts, to the C-7 (W-5) classification to provide for commercial uses.

REZONING ORDINANCE NO. 12, 2004.

2003-ZON-144

3402 SALEM STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #6

METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.358 acre, being in the D-P District, to the C-4 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 13, 2004.

2003-ZON-145

3402 SALEM STREET (AKA 3416 SALEM STREET) (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT #6

METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.119 acre, being in the D-P District, to the D-8 classification to provide for residential development.

REZONING ORDINANCE NO. 14, 2004.

2003-ZON-146

55 SOUTH RACEWAY ROAD (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #19

FC REALTY NINETY, by David Gilman, requests a rezoning of 0.20 acre, being in the C-1 District, to the C-3 classification to provide for commercial development.

REZONING ORDINANCE NO. 15, 2004.

2003-ZON-152

441 EAST OHIO STREET and 132 NORTH EAST STREET (approximate addresses),
INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #15

THOMAS L. AUTH, EUGENE DORSA AND MOE'S LLC, by David Kingen, requests a rezoning of 0.32 acre, being in the I-3-U District, to the CBD-2 classification to provide for commercial development.

REZONING ORDINANCE NO. 16, 2004.

2003-ZON-154

1140 DR. MARTIN LUTHER KING JUNIOR STREET (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT #16

BOARD OF SCHOOL COMMISSIONERS, by David Kingen, requests a rezoning of 14.28 acres, being in the D-8 (RC) (W-5) District, to the SU-2 (RC) (W-5) classification to provide for educational uses.

REZONING ORDINANCE NO. 17, 2004.

2003-ZON-161

6650 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #19

TILDEN REAL ESTATE INVESTMENTS, LLC, by Philip A. Nicely requests a rezoning of 10.433 acres, being in the C-4 District, to the C-S classification to provide for all C-4 uses, and the sale, service and repair of recreational vehicles, all terrain vehicles, boats, personal watercraft and snowmobiles, along with the sale of parts and accessories.

REZONING ORDINANCE NO. 18, 2004.

2003-ZON-843

5987 EAST 71st STREET (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #4

AVALON CROSSING, L.P., by J. Murray Clark, requests a rezoning of 3.683 acres, being in the D-2, C-3 and C-1 Districts, to the C-3 classification to provide for neighborhood commercial uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 4, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 4, 2004 on January 21, 2004. The proposal, sponsored by Councillor McWhirter, approves an increase of \$4,000 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund) to purchase eight traffic radar units for the Marion County Traffic Safety Partnership (funded by a grant from the Indiana Criminal Justice Institute for outstanding efforts in Operation Pull Over). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 7:47 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 4, 2004 was adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*
0 NAYS:
1 ABSENT: *Langsford*

Proposal No. 4, 2004 was retitled FISCAL ORDINANCE NO. 1, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 1, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Four Thousand Dollars (\$4,000) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to purchase eight traffic radar units for the Marion County Traffic Safety Partnership.

SECTION 2. The sum of Four Thousand Dollars (\$4,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	3,960
3. Other Services and Charges	<u>40</u>
TOTAL INCREASE	4,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>4,000</u>
TOTAL REDUCTION	4,000

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 5, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 5, 2004 on January 22, 2004. The proposal, sponsored by Councillors Boyd and Talley, approves an increase of \$8,300,000 in the Non-Lapsing Funds Budget of the Department of Metropolitan Development, Community Development Division (Non-Lapsing Federal Grants Fund) to assist in the relocation of citizens currently living in the Parkwoods apartment complex in order to redevelop the area, financed by a federal grant. By a

4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor McWhirter asked if there are matching grants for this project. Bruce Baird, Senior Systems Management Specialist for the Department of Metropolitan Development (DMD), said that they have committed about \$3 million of HOME grant funds in future years. Councillor McWhirter asked if these same apartments were remodeled in the past five to ten years. Mr. Baird said that they have not been. Councillor McWhirter said that this is a rather rough neighborhood and asked if such a project will make a difference in people wanting to live in the area. Mr. Baird said that Councillor McWhirter is probably thinking of the old Meadows Apartments when she speaks of a rough area. He said that this project is a much smaller complex and is located further east. He added that this development would be very good for this community and could serve as a catalyst for more development.

Councillor Schneider said that he understands the rationale for the rehabilitation, but asked why the City is paying tenants to relocate and asked what the current occupancy rate is. Mr. Baird said that as of December, 225 of the 254 units were occupied. He added that Housing and Urban Development (HUD) foreclosed on this property and the federal rules of the Uniform Relocation Act govern the relocation funds. HUD supplies the cost associated with the relocation and return move. Councillor Schneider asked if there are any market rate units at the facility now. Mr. Baird said that there are not and all units are subsidized. He added that the current buildings will be completely demolished and rebuilt.

Councillor McWhirter said that there is a long waiting list for Section 8 housing, and she asked if there are 225 units available to relocate these tenants. Mr. Baird said that the waiting list pertains to receiving Section 8 vouchers, but these tenants will receive vouchers as a part of the rehabilitation. He said that there are more landlords accepting Section 8 vouchers now, and there are units available.

Councillor Oliver asked if the rents in the new units will be affordable for those on Section 8 vouchers who wish to return. Mr. Baird said that the rents will be affordable for Section 8 tenants, but tenants may wish to stay in the place they relocate to, even though they have the first right of occupancy for the new units.

President Boyd called for public testimony at 7:56 p.m. There being no one present to testify, Councillor Talley moved, seconded by Councillor Nytes, for adoption. Proposal No. 5, 2004 was adopted on the following roll call vote; viz:

24 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cockrum, Conley, Day, Franklin, Gibson, Gray, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy, Talley
4 NAYS: Bradford, Cain, Keller, Schneider
1 ABSENT: Langsford

Proposal No. 5, 2004 was retitled FISCAL ORDINANCE NO. 2, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 2, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Eight Million Three Hundred Thousand Dollars (\$8,300,000) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Metropolitan Development, Community Development Division and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Fund.

January 26, 2004

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(i) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development to assist in the relocation of citizens currently living in the Parkwoods apartment complex in order to redevelop the area, financed by a federal grant.

SECTION 2. The sum of Eight Million Three Hundred Thousand Dollars (\$8,300,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF METROPOLITAN DEVELOPMENT	
<u>COMMUNITY DEVELOPMENT DIVISION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>8,300,000</u>
TOTAL INCREASE	8,300,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>8,300,000</u>
TOTAL REDUCTION	8,300,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 6, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 6, 2004 on January 22, 2004. The proposal, sponsored by Councillors Boyd and Talley, approves an increase of \$1,107,182 in the 2004 Budget of the Department of Metropolitan Development (Federal Grants and Redevelopment General Funds) to fund the construction activities for the Indiana University Emerging Technologies Center and a parking lot at 11th Street and Senate Avenue, financed by a federal grant and fund balance. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cockrum asked if there are any local matching funds, as this is financed by both a grant and fund balance. Margaret Lawrence Banning, administrator of the Division of Economic Development and Real Estate Services for DMD, said that the fund balance portion are local funds for the construction of the parking lot. Councillor Cockrum asked how much these local funds are. Ms. Banning said that this portion would be approximately \$357,000.

Councillor Schneider asked what fund these local monies will come from. Ms. Banning said that they will come from the Redevelopment General Fund. Councillor Schneider asked if this cost was appropriated in the budget process. Ms. Banning said that it was. She explained that the parking lot was not completed in 2003, and these monies were put back into the Redevelopment Fund, and the department is simply asking for them to be re-appropriated.

Councillor Bradford said that last year, each of the City departments were asked to cut their budgets, and DMD did so. He asked if this appropriation was one of those cuts. Ms. Banning said that the department found they did not need to spend this money last year. Councillor Bradford said that he understands that but wants to know if this is one of the appropriations that was referred to as a cut during last year's budget discussions. He said that he is concerned that cuts that were presented last year will now show up as increases in this year's budget. Ms. Banning said that this was not an operating budget cut, and this money was specifically set aside for this project, and therefore would not have been one of the operating budget cuts reported during budget.

President Boyd called for public testimony at 8:02 p.m. There being no one present to testify, Councillor Talley moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 6, 2004 was adopted on the following roll call vote; viz:

25 YEAS: *Abduallah, Borst, Bowes, Boyd, Brown, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy, Talley*

3 NAYS: *Bradford, Cain, Schneider*

1 ABSENT: *Langsford*

Proposal No. 6, 2004 was retitled FISCAL ORDINANCE NO. 3, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 3, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional One Million One Hundred and Seven Thousand One Hundred and Eighty Two Dollars (\$1,107,182) in the Federal Grants and Redevelopment General Funds for purposes of the Department of Metropolitan Development, Community Development and Administration Divisions, and reducing the unappropriated and unencumbered balance in the Federal Grants and Redevelopment General Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(i) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development to fund the construction activities for the Indiana University Emerging Technologies Center and a parking lot at 11th Street and Senate Avenue, financed by a federal grant and fund balance.

SECTION 2. The sum of One Million One Hundred and Seven Thousand One Hundred Eighty Two Dollars (\$1,107,182) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF METROPOLITAN DEVELOPMENT
COMMUNITY DEVELOPMENT DIVISION

3. Other Services and Charges
TOTAL INCREASE

FEDERAL GRANTS FUND

750,093
750,093

DEPARTMENT OF METROPOLITAN DEVELOPMENT
ADMINISTRATION DIVISION

3. Other Services and Charges
4. Capital Outlay
TOTAL INCREASE

REDEVELOPMENT GENERAL FUND

3,000
354,089
357,089

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>750,093</u>
TOTAL REDUCTION	750,093

	<u>REDEVELOPMENT GENERAL FUND</u>
Unappropriated and Unencumbered	
Redevelopment General Fund	<u>357,089</u>
TOTAL REDUCTION	357,089

SECTION 5. The projected December 31, 2004, fund balance for the Redevelopment General Fund is as follows:

Est. Cash balance as of January 1, 2004	2,762,524
Estimated revenues 2004	<u>1,154,041</u>
Projected funds available	3,916,565
2004 remaining appropriations, excluding prior year encumbrances	1,511,580
Proposed additional appropriation (Proposal No. 6, 2004)	<u>357,089</u>
Total Requirements	1,868,669
Projected fund balance December 31, 2004	2,047,896

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 7, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 7, 2004 on January 22, 2004. The proposal, sponsored by Councillors Boyd and Talley, approves an increase of \$3,980,000 in the 2004 Budget of the Department of Metropolitan Development, Community Development Division (Federal Grants Fund), to provide Home Investment Partnerships (HOME) funding to local grant applicants in need of assistance, financed by a federal grant. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cockrum asked if there are any local matching tax funds for this proposal. Julie Slaughter, administrator of the Community Development Division of DMD, said that there are none, and this is purely HUD federal dollars.

Councillor McWhirter asked if this money will be used to help individuals purchase homes. Ms. Slaughter said that these monies are for development projects to provide affordable rental opportunities to people at or below 80% of the Average Median Income (AMI). Councillor McWhirter said that she noticed that the Parkwoods Apartments are again included in this proposal, and asked if it is the same Parkwoods referenced in the earlier proposal. Ms. Slaughter said that it is the same, and \$833,000 of these funds were a special grant toward that project.

Councillor Schneider asked if these are new programs or if these are grants from years past. Ms. Slaughter said that these were HOME grant dollars awarded in 2003 and are simply being rolled over due to some of the projects being delayed because of additional funding or the tax credit process. Councillor Schneider asked if there are any Community Development Block Grant

(CDBG) funds involved in these grants. Ms. Slaughter said that these are strictly HOME funds and are not CDBG dollars.

President Boyd called for public testimony at 8:08 p.m. There being no one present to testify, Councillor Talley moved, seconded by Councillor Nytes, for adoption. Proposal No. 7, 2004 was adopted on the following roll call vote; viz:

24 YEAS: *Abduallah, Borst, Bowes, Boyd, Brown, Cockrum, Conley, Day, Franklin, Gibson, Gray, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy, Talley*
4 NAYS: *Bradford, Cain, Keller, Schneider*
1 ABSENT: *Langsford*

Proposal No. 7, 2004 was retitled FISCAL ORDINANCE NO. 4, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 4, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) transferring and appropriating an additional Three Million Nine Hundred and Eighty Thousand Dollars (\$3,980,000) in the Federal Grants Fund for purposes of the Department of Metropolitan Development, Community Development Division, and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(i) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development to provide Home Investment Partnerships (HOME) funding to local grant applicants in need of assistance, financed by a federal grant.

SECTION 2. The sum of Three Million Nine Hundred and Eighty Thousand Dollars (\$3,980,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF METROPOLITAN DEVELOPMENT	
<u>COMMUNITY DEVELOPMENT DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>3,980,000</u>
TOTAL INCREASE	3,980,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>3,980,000</u>
TOTAL REDUCTION	3,980,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 8, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 8, 2004 on January 22, 2004. The proposal, sponsored by

Councillors Boyd and Talley, approves an increase of \$465,700 in the 2004 Budget of the Department of Metropolitan Development, Community Development Division (Federal Grants Fund) to acquire additional real property for the Fall Creek Place project, financed by revenues from the sale of properties originally purchased with federal grants. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:10 p.m. There being no one present to testify, Councillor Talley moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 8, 2004 was adopted on the following roll call vote; viz:

25 YEAS: *Abduallah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy, Talley*
3 NAYS: *Bradford, Keller, Schneider*
1 ABSENT: *Langsford*

Proposal No. 8, 2004 was retitled FISCAL ORDINANCE NO. 5, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 5, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Four Hundred Sixty Five Thousand Seven Hundred Dollars (\$465,700) in the Federal Grants Funds for purposes of the Department of Metropolitan Development, Community Development Division and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(i) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development to acquire additional real property for the Fall Creek Place project, financed by revenues from the sale of properties originally purchased with federal grants.

SECTION 2. The sum of Four Hundred Sixty Five Thousand Seven Hundred Dollars (\$465,700) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF METROPOLITAN DEVELOPMENT	
<u>COMMUNITY DEVELOPMENT DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
4. Capital Outlay	<u>465,700</u>
TOTAL INCREASE	465,700

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>465,700</u>
TOTAL REDUCTION	465,700

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 9, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 9, 2004 on January 22, 2004. The proposal, sponsored by Councillors Boyd and Talley, approves an increase of \$1,264,800 in the 2004 Budget of the Department of Metropolitan Development, Community Development Division (Federal Grants Fund) to reduce lead base paint hazards in low income neighborhoods, financed by a federal grant. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:13 p.m.

Clark Kahlo, citizen and environmental advocate, said that the effects of lead-based paint is a real problem, and he is glad to see this allocation. He encouraged the Council to support the proposal, as it is a good use of City funds.

Councillor Cain asked how this program will be implemented. Ms. Slaughter said that Health and Hospital Corporation has regular detection programs, and the department will work with them to identify those in need of these types of funds.

Councillor Cockrum asked if there are any local tax dollars being used for this program. Ms. Slaughter said that there are not, as it is federally funded.

Councillor Schneider said that he is opposed to the proposal because of illogical reasoning by the federal government. He said that once again, they are placing a burden on local taxpayers because of new standards.

Seeing no further public testimony, Councillor Talley moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 9, 2004 was adopted on the following roll call vote; viz:

24 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cockrum, Conley, Day, Franklin, Gibson, Gray, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy, Talley
4 NAYS: Bradford, Cain, Keller, Schneider
1 ABSENT: Langsford

Proposal No. 9, 2004 was retitled FISCAL ORDINANCE NO. 6, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 6, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional One Million Two Hundred Sixty Four Thousand Eight Hundred Dollars (\$1,264,800) in the Federal Grants Funds for purposes of the Department of Metropolitan Development, Community Development Division, and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(i) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development to reduce lead base paint hazards in low income neighborhoods, financed by a federal grant.

SECTION 2. The sum of One Million Two Hundred Sixty Four Thousand Eight Hundred Dollars (\$1,264,800) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

January 26, 2004

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF METROPOLITAN DEVELOPMENT
COMMUNITY DEVELOPMENT DIVISION

3. Other Services and Charges
TOTAL INCREASE

FEDERAL GRANTS FUND

1,264,800
1,264,800

SECTION 4. The said additional appropriation is funded by the following reductions:

Unappropriated and Unencumbered
Federal Grants Fund
TOTAL REDUCTION

FEDERAL GRANTS FUND

1,264,800
1,264,800

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 10, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 10, 2004 on January 22, 2004. The proposal, sponsored by Councillors Boyd and Talley, approves an increase of \$1,600,000 in the 2004 Budget of the Department of Metropolitan Development (Non-Lapsing Federal Grants Fund) to provide rent subsidies to individuals who were formerly homeless, financed by a federal grant from the U.S. Department of Housing and Urban Development (HUD). By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cockrum asked if there are any local matching funds for this proposal. Ms. Slaughter said that there are not.

Councillor McWhirter asked how the program will be implemented and how individuals will be qualified to participate. Ms. Slaughter said that the Indianapolis Private Industry Council (IPIC) already has many programs working with homeless and at-risk individuals and families, and these existing programs will identify recipients for these subsidies and allow IPIC and the City to track their progress.

Councillor Cain asked if there are accountability measures in place for the administration of these funds. Ms. Slaughter said that there are and that both DMD and IPIC are accountable to the Department of Labor and HUD, as the grantors of these funds. She said that there are very strict accountability measures in place.

Councillor Schneider said that he opposes the proposal because the City is already dedicating a lot of money to homeless initiatives that are not working. He said that he would like to see more emphasis put on faith-based initiatives to help change people. He said that the government cannot change people and this is the wrong avenue for this money.

Councillor Abdullah said that he believes this is a commendable action to safeguard and help neighbors and those less fortunate.

President Boyd called for public testimony at 8:19 p.m. There being no one present to testify, Councillor Talley moved, seconded by Councillor Nytes, for adoption. Proposal No. 10, 2004 was adopted on the following roll call vote; viz:

24 YEAS: Abdullallah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Talley
4 NAYS: Bradford, Keller, Schneider, Speedy
1 ABSENT: Langsford

Proposal No. 10, 2004 was retitled FISCAL ORDINANCE NO. 7, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 7, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional One Million Six Hundred Thousand Dollars (\$1,600,000) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Metropolitan Development, Community Development Division, and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(i) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development to provide rent subsidies to individuals who were formerly homeless, financed by a federal grant from the U.S. Department of Housing and Urban Development (HUD).

SECTION 2. The sum of One Million Six Hundred Thousand Dollars (\$1,600,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>COMMUNITY DEVELOPMENT DIVISION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>1,600,000</u>
TOTAL INCREASE	1,600,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>1,600,000</u>
TOTAL REDUCTION	1,600,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 12, 2004. Councillor Conley reported that the Public Works Committee heard Proposal No. 12, 2004 on January 22, 2004. The proposal, sponsored by Councillors Boyd and Cockrum, approves a bond issuance not to exceed Fifty Million Dollars (\$50,000,000) to fund

Department of Waterworks capital projects. By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:43 p.m.

Fred Peterson, taxpayer and member of the United Auto Workers (UAW) Local 23, said that this situation reminds him of Vice President Dick Cheney's campaign financing problems, with Mayor Bart Peterson's campaign benefiting from the sale of the Water Company and its profits. He said that it has been said this will increase the number of ratepayers, but he does not believe this to be true, as many people with their own septic systems and wells may prefer to maintain them. He said this is tantamount to giving Hamilton County and surrounding counties welfare, by spending his tax dollars on infrastructure that benefits taxpayers in other counties. He said that it has been said that there will be no rate increase at least until 2006. He said that when a government-owned entity is a monopoly, then taxes will go up, and this is just like a rate increase. He said that this money should be used to clean up the sewers in Marion County and expand water and sewers to Marion County residents.

Clark Kahlo, member of the Citizen's Water Coalition, said that he was at first elated when the sale of the Water Company was announced because it was difficult working with a private utility with regards to water supply matters. He said, however, that he has been troubled ever since the sale as he has monitored the transfer. He said that the entire process has not been open, and activities reports made available to the public by the public relations firm are mostly redacted, blacked out documents. He added that some of these projects go beyond Marion County, while the City is overlooking unserved areas within the county. He said that working with the Waterworks Board has been very difficult and it is a hostile environment with no opportunities to speak. He said that neighborhood representatives and environmental activists need to be involved in this process. He said that he would like to see the proposal postponed for more deliberation.

Tom Plummer, water utility user and employee of the utility, asked how the City decides who to promise Marion County's water to. He said that if the area is hit with a drought, and the City is supplying water as far as this proposal expands their area, citizens of Marion County would suffer. He added that the water utility is losing many experienced members through buyouts as a result of this sale transaction. He said that he is also distressed that the financial benefits of this sale are going to the Peterson family.

Councillor Bradford moved to return the proposal to committee for further deliberation. He said that he believes the public was not allowed to speak at the committee hearing, and he is concerned that the legal requirements for public testimony have not been met.

Councillor Conley said that Mr. Kahlo spoke at the committee hearing and public testimony was allowed. Councillor Bradford said that Mr. Kahlo was only allowed to speak to his motion to postpone and no further opportunity was given for testimony following the motion to send the proposal to the full Council with a do pass recommendation.

President Boyd said that this proposal was advertised for public hearing at this full Council meeting, and he believes that would suffice and fulfill the requirements for a public hearing.

Councillor Conley added that Mr. Kahlo spoke twice at the committee hearing, as well. Mr. Bradford said that Mr. Kahlo spoke after the proposal was adopted on another matter. Councillor Schneider asked Mr. Kahlo if he was allowed ample opportunity to speak at the committee

hearing. Mr. Kahlo said that he was not recognized to speak after the final motion on the proposal, and sat down when he was not recognized.

Councillor Schneider seconded the motion to return the proposal to committee for further deliberation.

Councillor Gray said that he was present at the committee hearing, and the public was given the invitation to speak. He said that Councillor Bradford became a bit unruly in the meeting, and Mr. Kahlo chose to speak to another subject instead of addressing this proposal again.

Councillor Borst said that he supports the motion to return the proposal to committee. He asked bond counsel if they are satisfied that the requirements for public hearing have been met. Lisa Lee, bond counsel for the projects, said that from a legal standpoint, there have been sufficient public hearings.

Councillor Mansfield said that Mr. Kahlo shared the same comments at this public hearing as he shared in committee, and therefore, she does not see that he was denied an opportunity to voice his concerns.

President Boyd said that he is against the motion to return the proposal to committee. He said that this meeting should be sufficient to qualify for a public hearing, and bond counsel is comfortable that all requirements have been met.

The motion to return Proposal No. 12, 2004 to committee failed on the following roll call vote; viz:

13 YEAS: Borst, Bradford, Cain, Cockrum, Day, Keller, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy

15 NAYS: Abduallah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley

1 ABSENT: Langsford

Councillor Borst said that the numbers on the different pieces of information he has received do not match up. He said that the projects total \$33 million, but the proposal is for \$50 million. Carlton Curry, director of operations and contracts for the Department of Waterworks, said that the bond issue is not to exceed \$50 million, and the \$33 million is money obligated for 2004, but many of the project costs will extend into 2006. He said that the total capital investment is more than the actual bond issue. Councillor Borst said that when they considered the initial Water Company purchase transaction, he does not recall future bonds being identified as necessary. Bob Clifford, acting City Controller, said that the City anticipated capital expenditures of \$14 to \$20 million every year and anticipated additional borrowings every 24 months, as capital needs are ongoing. Councillor Borst asked if the City then expected the cash flow from rates and fees to cover these annual capital costs, but every couple of years a little more is needed. Mr. Clifford said that this is correct, and with different projects, there are sometimes amounts that cannot be covered with cash flow. Councillor Borst asked what percentage of the projects funded by this bond issue are in Marion County and what percentage are outside of the County. Mr. Clifford said that it is an integrated system, and water sources are all the same with Zionsville and Carmel, as they always anticipated this would be a regional approach to water supply. Mr. Curry added that about 6% of this cost goes toward the strategic overall plan, while 94% stays inside the water districts structure. Councillor Borst asked if the ratepayers in Marion County are paying three-fourths the share of costs. Mr. Curry said that there is some disparity in concentration of

ratepayers, but 6% is going to expand services to provide water which will also benefit a school in great need.

President Boyd said that the Waterworks Board was created by this Council, and six members on that seven-member board are appointed by this Council. The board is a major player in these discussions, and the Council has control of that board and input with its members.

Councillor Bowes said that one of the citizens who testified stated that this will affect tax payments, but he wants to make it clear this will be paid with fee revenue and has nothing to do with tax increases. He said that if Marion County's resources are going to another county, they still have to pay rates to access those resources. He said that rates are not a tax, but are simply the cost of bringing water to the public.

Councillor Plowman said that a lot of people in his district are without water and sewage, and it would be hard for him to support a proposal that goes outside of Marion County to build and repair systems, when people within the County do not have access to water and sewage lines.

Councillor Cockrum asked if this bond issue has to go before the Indiana Utility Regulatory Commission (IURC). Kobi Wright, legal counsel for the Department of Waterworks, said that the IURC does not have to approve this bond issuance, only the Waterworks Board and this Council.

Councillor McWhirter said that she believes this proposal would eventually result in a raise of rates to taxpayers and she opposes it.

There being no further public testimony or comment by Council, Councillor Conley moved, seconded by Councillor Gray, for adoption. Proposal No. 12, 2004 was adopted on the following roll call vote; viz:

15 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley

13 NAYS: Borst, Bradford, Cain, Cockrum, Day, Keller, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy

1 ABSENT: Langsford

Proposal No. 12, 2004 was retitled GENERAL RESOLUTION NO. 1, 2004, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 1, 2004

A PROPOSAL FOR A GENERAL RESOLUTION approving the issuance of one or more series of City of Indianapolis, Indiana, Waterworks District Revenue Bonds and, if necessary, one or more series of bond anticipation notes in an aggregate principal amount not to exceed Fifty Million Dollars (\$50,000,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Board of Directors of the Department of Waterworks of the City of Indianapolis, Indiana (City), being the governing body of the Waterworks District of the City (Waterworks District), has adopted a bond resolution, in substantially final form (Bond Resolution), authorizing the issuance of revenue bonds of the Waterworks District (Bonds) to be issued in one or more series or issues and bond anticipation notes of the Waterworks District (BANs) to be issued in one or more series, in the aggregate principal amount not to exceed Fifty Million Dollars (\$50,000,000), for the purpose of procuring funds to apply to the costs of the projects specified in Exhibit A (Projects); and

WHEREAS, IC 36-3-5-8 requires the City-County Council of Indianapolis and of Marion County, Indiana (City-County Council) to approve the issuance of bonds or notes by any special taxing district of the City; and

WHEREAS, the Waterworks District is a special taxing district of the City pursuant to statute, but the Waterworks District does not intend to levy any property taxes in the Waterworks District; and

WHEREAS, IC 5-1.4 provides that a "qualified entity", which term includes the Waterworks District, as a department of the City created by General Ordinance No. 112, 2001, may issue and sell its bonds or notes to The Indianapolis Local Public Improvement Bond Bank (Bond Bank); and

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase the Bonds and BANs in a negotiated sale subject to approval by the Board of Directors of the Bond Bank; and

WHEREAS, the City-County Council has determined that the issuance of the Bonds and BANs by the Waterworks District should be approved; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA;

SECTION 1. The City-County Council does hereby approve the issuance and sale to the Bond Bank of the Bonds of the Waterworks District, to be issued in one or more series, and BANs, to be issued in one or more series, in an aggregate principal amount not to exceed Fifty Million Dollars (\$50,000,000) to apply on the costs of the Projects, payable solely from the revenues of the waterworks as specified in the Bond Resolution, which is incorporated herein by reference.

SECTION 2. This Resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

EXHIBIT A

Projects

WRPP 84 MGD filter upgrade (2/year)
WRPP boiler upgrade
WRPP Bacteriological Lab roof replacement
RS 5MG reservoir roof membrane
RS yard valve operator replacement
WRN wells
WRN well collecting line
WRN well water transmission main
WRN roof replacement
WRN filter valve operator replacement
FCPP well upgrades
FCPP filter upgrade (2/year)
FCPP traveling screens upgrade
Geist Groundwater plant expansion
SWF finish water reservoir #2
FR ground storage tank #2
Madison roof replacement
Illinois roof replacement
Rockville roof replacement
Lizton elevated tank
Terry Airport elevated tank and main
McCordsville elevated tank
New Palestine elevated tank
Radio System
Reinforcement and Feeder Mains
171st Street and 169th
96th Street/Compton/Westfield
Avon (19875'-24")
62nd and Lafayette
96th Street/Gray to 98th Street (24")
Westville (1800'-16")
Stop 11 Gap
Michigan Rd, Fox Hill S to 67th St

116th Street E US 421
421 N of 116th to Clarkson
Cooper Rd N of I-865
Moller Rd, I-65 (5142')
Moller Rd N of 38th (Pike Plaza)
Map 723 12" from Vincennes Cir (345')
Moller Rd N of 56th
Michigan Rd S. of 86th
86th W Meridian
Shore Drive
46th and Leland
Arlington, Stop 11 to Southport
Laydown valve replacement program
Triton Central HS main

SPECIAL ORDERS - FINAL ADOPTION

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 2 and 3, 2004 on January 21, 2004. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 2, 2004. The proposal, sponsored by Councillor McWhirter, approves a transfer of \$4,051 in the 2004 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to purchase computer equipment and supplies for the Domestic Violence Prosecutor at the Julian Center, funded by a grant from the U.S. Department of Justice. PROPOSAL NO. 3, 2004. The proposal, sponsored by Councillor McWhirter, approves a transfer of \$2,228 in the 2004 Budget of the County Prosecutor (State and Federal Grants Fund) to purchase signage for community court and printing for conflict resolution insert for community court brochure (previous grant from Office of Justice Program, Bureau of Justice Assistance). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal Nos. 2 and 3, 2004 were adopted on the following roll call vote; viz:

26 YEAS: Abdullallah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
0 NAYS:
2 NOT VOTING: Bradford, Keller
1 ABSENT: Langsford

Proposal No. 2, 2004 was retitled FISCAL ORDINANCE NO. 8, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 8, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No.114, 2003) transferring and appropriating an additional Four Thousand Fifty-one Dollars (\$4,051) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor reducing certain other appropriations from that agency.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to purchase computer equipment for Domestic Violence Prosecutor at the Julian Center.

SECTION 2. The sum of additional Four Thousand Fifty-one Dollars (\$4,051) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	422
3. Other Services and Charges	<u>3,629</u>
TOTAL INCREASE	4,051

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>4,051</u>
TOTAL DECREASE	4,051

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 3, 2004 was retitled FISCAL ORDINANCE NO. 9, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 9, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) transferring and appropriating an additional Two Thousand Two Hundred Twenty Eight Dollars (\$2,228) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to transfer remaining balances in Personal Services, Fringes to Other Services and Charges to purchase signage for Community Court and printing for Conflict Resolution insert for Community Court Brochure.

SECTION 2. The sum of additional Two Thousand Two Hundred Twenty Eight Dollars (\$2,228) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>2,228</u>
TOTAL INCREASE	2,228

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>2,228</u>
TOTAL DECREASE	2,228

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 33, 2004. The proposal, sponsored by Councillor Boyd, approves certain public purpose grants totaling \$500,000 from the Drug Free Community Fund. Councillor Moriarty Adams thanked the Council for suspending the Rules of the Council to hear Proposal No. 33, 2004 this evening and apologized to new members, explaining that this is not done on a regular basis. She said that each Councillor should have a copy of the grant awards and award amounts.

Councillor McWhirter asked if there is a reason this proposal was not introduced at the last meeting in order to go through the normal committee process. Ms. Haag said that as a rule, she would have had this proposal before the Council in November or December of last year. Due to some recent changes in the Public Safety Planning Council and training that was needed for new members, the process has taken longer than normal. Councillor McWhirter asked what the miscellaneous administrative costs are for. Randy Miller, executive director of Drug Free Marion County, said that this amount goes toward covering his position and office duties related to administering all these grants.

Councillor Gibson said that there is a confirmed link between crime and drug addiction, and this proposal will also help combat crime in communities; therefore, he supports it.

Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 33, 2004 was adopted on the following roll call vote; viz:

26 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
0 NAYS:
2 NOT VOTING: Keller, Pfisterer
1 ABSENT: Langsford

Proposal No. 33, 2004 was retitled GENERAL RESOLUTION NO. 2, 2004, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 2, 2004

A GENERAL RESOLUTION approving certain public purpose grants totaling \$500,000 from the Drug Free Community Fund.

WHEREAS, the City-County Council appropriated the sum of Six-Hundred- Thousand Dollars (\$600,000) in Section 1(k) of City-County Fiscal Ordinance No. 119, 2003, Estimates of Funds to be Raised and Proposed Tax Levies for the Consolidated City, for funding grants to be made from the Drug Free Community Fund; and

WHEREAS, I.C. 5-2-11-5 requires that sums appropriated from the Drug Free Community Fund shall not be spent until the City-County Council of the City of Indianapolis and of Marion County, Indiana, approves the amount and identity of each grant recipient; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The following grants and administrative expenses totaling Five-Hundred-Thousand Dollars (\$500,000) from the Drug Free Community Fund are approved in the following amounts and projects for the following organizations:

**Drug Free Community Fund
2004 Annual Grant Awards**

I. PREVENTION/EDUCATION

Organization	Project	Amount
Marion Superior Court	Community Court	\$40,000
Children's Bureau	Plan To Succeed	\$4,996
Boys and Girls Clubs of Indpls	SMART MOVES	\$14,780
Marion County Prosecutor	EKG/MCPO Mentoring Program	\$20,524

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Marion County Extension Office	Freedom Through The Arts	\$11,486
Lutheran Child and Family Services	Healthy Alternatives	\$18,408
Fairbanks	Preventative Training of	
	School and Community	<u>\$25,619</u>
	Subtotal	\$135,813

II. TREATMENT

Gallahue Mental Health Services	Gallahue Assisted Living	\$40,150
Unlimited Synergy, Inc.	Addiction Treatment	
	Strategic Plan Project	\$26,549
Partners In Housing Development Corp.	Housing+	\$38,018
Marion County Public Defender	Sentencing Project	<u>\$20,485</u>
	Subtotal	\$125,202

III. CRIMINAL JUSTICE

Superior Court	Drug Treatment Diversion	\$55,000
Marion County Prosecutor	Narcotics Eviction Program	\$50,000
Marion County Justice Agency	CJCCRP/WSCRCP	<u>\$50,000</u>
	Subtotal	\$155,000

IV. MISCELLANEOUS/ADMINISTRATION

Drug Free Marion County LCC	Administrative Expenses	<u>\$83,985</u>
	Subtotal	\$83,985
	Total	\$500,000

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

PROPOSAL NO. 11, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 11, 2004 on January 22, 2004. The proposal, sponsored by Councillors Boyd and Talley, approves an increase of \$100,000 in the 2004 Budget of the Department of Metropolitan Development (Federal Grants Fund) to pay off-duty law enforcement officers to secure the Parkwoods apartment complex while Community Development staff assist with relocation of the current tenants, financed by a transfer of funds. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Talley moved, seconded by Councillor Nytes, for adoption. Proposal No. 11, 2004 was adopted on the following roll call vote; viz:

26 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy, Talley
2 NAYS: Bradford, Schneider
1 ABSENT: Langsford

Proposal No. 11, 2004 was retitled FISCAL ORDINANCE NO. 10, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 10, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) transferring and appropriating an additional One Hundred Thousand Dollars (\$100,000) in the Federal Grants Fund for purposes of the Department of Metropolitan Development and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

January 26, 2004

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(I) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development to pay off-duty law enforcement officers to secure the Parkwoods apartment complex while Community Development staff assist with relocation of the current tenants; financed by a transfer of funds.

SECTION 2. The sum of One Hundred Thousand Dollars (\$100,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF METROPOLITAN DEVELOPMENT	
<u>COMMUNITY DEVELOPMENT DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>100,000</u>
TOTAL INCREASE	100,000

SECTION 4. The said additional appropriation is funded by the following reductions:

DEPARTMENT OF METROPOLITAN DEVELOPMENT	
<u>ADMINISTRATION DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>100,000</u>
TOTAL INCREASE	100,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 13, 2004. Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 13, 2004 on January 20, 2004. The proposal, sponsored by Councillor Boyd, approves the City's deferred compensation plan for its sworn firefighters. By a 4-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillors Randolph and Brown stated that as Indianapolis firefighters they will abstain from voting on Proposal No. 13, 2004 in order to avoid the appearance of a conflict of interest. Councillor Gray stated that although he is also an Indianapolis firefighter, he is of an age that he cannot benefit from this special plan. Councillor Pfisterer said that although she is married to an Indianapolis firefighter, she was advised by counsel that because the plan is voluntary, she would not have to abstain.

Councillor Nytes moved, seconded by Councillor Talley, for adoption. Proposal No. 13, 2004 was adopted on the following roll call vote; viz:

26 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Salisbury, Sanders, Schneider, Speedy, Talley*
0 NAYS:
2 NOT VOTING: *Brown, Randolph*
1 ABSENT: *Langsford*

Proposal No. 13, 2004 was retitled GENERAL RESOLUTION NO. 3, 2004, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 3, 2004

A PROPOSAL FOR A GENERAL RESOLUTION to approve the City's proposed deferred compensation plan for its sworn firefighters.

WHEREAS, the City has agreed to establish a deferred compensation plan to be made available to its sworn firefighters pursuant to Section 457 of the Internal Revenue Code permitting such plans; and

WHEREAS, certain tax benefits could accrue to City firefighters participating in such Deferred Compensation Plan; and

WHEREAS, such benefits will act as incentives to City firefighters to voluntarily set aside and invest portions of their current income to meet their future financial requirements and supplement their retirement and Social Security (if applicable); now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to Section 291-401 of the Revised Code of the Consolidated City and County, hereby approves the City's proposed deferred compensation plan for its sworn firefighters, as provided in the Plan Documents, copies of which are submitted herewith and filed with the official copy of this resolution.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

NEW BUSINESS

Councillor Bradford said that he was involved in a heated argument with the chairman in the recent Public Works Committee hearing and he wanted to publicly apologize for his actions. He presented Councillor Conley with a small gift as a token of his apology. Councillor Conley accepted the gift and said that the argument did not stay with him long, as he knew what Councillor Bradford was proposing was not going to be accomplished.

Councillor Schneider asked for a point of clarification regarding the President's previous ruling that further comments on the Waterworks proposal would not be accepted. He asked how the President decides when no more comments can be accepted. President Boyd said that when it is clear a debate is over and all sides have been expressed, he sees no further reason for discussion.

Councillor Cockrum said that he received a copy of President Boyd's memo to the IndyGo board members and he concurs with President Boyd's feelings. He said that during budget discussions last year, municipal corporations were asked to cut their budgets by 5%, and IndyGo complied with that request, but maybe the Council and IndyGo should re-think these cuts. President Boyd said that he agrees that it needs to be looked at again, and the current crisis needs to be addressed in order to keep routes open for those who depend on them. He said that this is a vital service to citizens that needs to be reviewed both for the immediate future and with a long-term vision. Councillor Borst clarified that the Council did not ask municipal corporations to make a 5% budget cut, but a 5% levy cut, which is slightly different.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

January 26, 2004

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Moriarty Adams in memory of John Kuykendall; and
- (2) Councillor Day in memory of Angie Reese; and
- (3) Councillor Talley in memory of Barbara Chase; and
- (4) Councillors Abduallah and Pfisterer in memory of James Matthews, Jr.; and
- (5) Councillor Brown in memory of Reverend Patrick J. Kelly; and
- (6) Councillor Oliver in memory of Elder Leroy A. Robinson; and
- (7) Councillors Bradford, Schneider, and Keller in memory of Robert W. Matthews.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of John Kuykendall, Angie Reese, Barbara Chase, James Matthews, Jr., Reverend Patrick J. Kelly, Elder Leroy A. Robinson, and Robert W. Matthews. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:22 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 26th day of January, 2004.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)

